

ASSEMBLY BILL

No. 2616

Introduced by Assembly Member Lowenthal

February 21, 2014

An act to amend Section 3455 of the Penal Code, relating to postrelease community supervision.

LEGISLATIVE COUNSEL'S DIGEST

AB 2616, as introduced, Lowenthal. Postrelease community supervision.

Existing law, the Postrelease Community Supervision Act of 2011, requires certain inmates released from state prison to be subject to supervision by a county agency. The act provides that if the supervising county agency has determined, following application of its assessment processes, that authorized intermediate sanctions are not appropriate, the supervising county agency is required to petition the court, as specified, to revoke, modify, or terminate postrelease supervision.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3455 of the Penal Code is amended to
2 read:
3 3455. (a) If the supervising county agency has determined,
4 following application of its assessment processes, that intermediate
5 sanctions as authorized in subdivision (b) of Section 3454 are not

1 appropriate, the supervising county agency shall petition the court
2 pursuant to Section 1203.2 to revoke, modify, or terminate
3 postrelease community supervision. At any point during the process
4 initiated pursuant to this section, a person may waive, in writing,
5 his or her right to counsel, admit the violation of his or her
6 postrelease community supervision, waive a court hearing, and
7 accept the proposed modification of his or her postrelease
8 community supervision. The petition shall include a written report
9 that contains additional information regarding the petition,
10 including the relevant terms and conditions of postrelease
11 community supervision, the circumstances of the alleged
12 underlying violation, the history and background of the violator,
13 and any recommendations. The Judicial Council shall adopt forms
14 and rules of court to establish uniform statewide procedures to
15 implement this subdivision, including the minimum contents of
16 supervision agency reports. Upon a finding that the person has
17 violated the conditions of postrelease community supervision, the
18 revocation hearing officer shall have authority to do all of the
19 following:

20 (1) Return the person to postrelease community supervision
21 with modifications of conditions, if appropriate, including a period
22 of incarceration in county jail.

23 (2) Revoke and terminate postrelease community supervision
24 and order the person to confinement in the county jail.

25 (3) Refer the person to a reentry court pursuant to Section 3015
26 or other evidence-based program in the court's discretion.

27 (b) (1) At any time during the period of postrelease community
28 supervision, if ~~any~~ a peace officer has probable cause to believe
29 a person subject to postrelease community supervision is violating
30 any term or condition of his or her release, the officer may, without
31 a warrant or other process, arrest the person and bring him or her
32 before the supervising county agency established by the county
33 board of supervisors pursuant to subdivision (a) of Section 3451.
34 Additionally, an officer employed by the supervising county agency
35 may seek a warrant and a court or its designated hearing officer
36 appointed pursuant to Section 71622.5 of the Government Code
37 shall have the authority to issue a warrant for that person's arrest.

38 (2) The court or its designated hearing officer shall have the
39 authority to issue a warrant for ~~any~~ a person who is the subject of
40 a petition filed under this section who has failed to appear for a

1 hearing on the petition or for any reason in the interests of justice,
2 or to remand to custody a person who does appear at a hearing on
3 the petition for any reason in the interests of justice.

4 (c) The revocation hearing shall be held within a reasonable
5 time after the filing of the revocation petition. Based upon a
6 showing of a preponderance of the evidence that a person under
7 supervision poses an unreasonable risk to public safety, or *that* the
8 person may not appear if released from custody, or for any reason
9 in the interests of justice, the supervising county agency shall have
10 the authority to make a determination whether the person should
11 remain in custody pending the first court appearance on a petition
12 to revoke postrelease community supervision, and upon that
13 determination, may order the person confined pending his or her
14 first court appearance.

15 (d) Confinement pursuant to paragraphs (1) and (2) of
16 subdivision (a) shall not exceed a period of 180 days in ~~the~~ *a*
17 county jail for each custodial sanction.

18 (e) A person shall not remain under supervision or in custody
19 pursuant to this title on or after three years from the date of the
20 person's initial entry onto postrelease community supervision,
21 except when his or her supervision is tolled pursuant to Section
22 1203.2 or subdivision (b) of Section 3456.